

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JIAN CHEN,

Petitioner,

-v-

BUREAU OF IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondent.

FILED

2007 NOV 15 AM 11:02

U.S. DISTRICT COURT
W.D.N.Y. - BUFFALO

-PS-O-

07-CV-0505F
ORDER

Petitioner, Jian Chen, filed a petition for habeas corpus relief, pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody/detention pending removal to his native country of China. (Docket No. 1). Respondent has filed a motion to dismiss the petition as moot inasmuch as petitioner has been released from administrative detention pursuant to an Order of Supervision, executed on September 24, 2007. (Docket No. 3, Affidavit of Gail Y. Mitchell, sworn to October 3, 2007, ¶ 5, and Exhibit A--Order of Supervision).

Accordingly, in light of the fact that petitioner has been released from administrative detention, the respondent's motion to dismiss the petition is granted and the petition is dismissed as moot.

The Clerk of the Court is directed to forward a certified copy of this Order to petitioner and the address listed in the Order of Supervision, 61 Mott Street, Apt. 10, New York, NY 10013.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESKA
United States District Judge

Dated: November 14, 2007
Rochester, New York